

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States of America)
)
V.) Case No. M-19-1081-M
)
Alejandro Moya)
Defendant(s))

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.
On or about the date(s) of 05/10/2019 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code, Section 2422 (b)	Coercion and Enticement of a Minor

This criminal complaint is based on these facts:

See Attachment A

Continued on the attached sheet.

/s/ Scott McIver, HSI Special Agent

Complainant's Signature

Scott McIver Special Agent

Printed name and title



Judge's signature

Hon. Juan F. Alanis U.S. Magistrate Judge

Printed name and title

10-May-19 - 9:52 p.m.

Date

McAllen, Texas

City and State

M-19-1081-M

ATTACHMENT "A"

On May 9, 2019, Homeland Security Investigations (HSI) Rio Grande Valley Child Exploitation Investigations Task Force (RGV CEITF) Special Agent (SA) Scott McIver participated in an undercover online enticement investigation on the application "Whisper" and took on the persona of a 13-year-old female child. SA McIver created a post that read "Boys suck!! Ughhh". SA McIver created the post in the area of Weslaco, Texas.

Shortly after creating the post, SA McIver received a response from the Whisper user "Earth_Cat". The suspected male subject initiated the conversation by asking "Want to watch me fuck a pocket pussy?". In the ensuing conversation, SA McIver immediately stated that he was 13-years-old. The user continued the sexually explicit conversation, which moved to the application Kik when the user messaged from Kik username "alexm421". The Kik conversation began with the suspected male saying "Hey", and the image of an erect penis was sent with the text. The conversation continued on Kik with the user sending multiple unsolicited images of an erect penis and multiple unsolicited videos of a male masturbating to who he believed to be a 13-year-old minor female. Several of the videos and images showed the male using a sexual aid to masturbate.

Throughout the conversation, SA McIver stated that he was a 13-years-old female multiple times, and the user acknowledged he understood he was communicating with a 13-year-old female child twice. The user continued with the sexually explicit conversation, and later said that he wanted to meet to engage in sexual acts. The sexually explicit conversation included messages from the user that include but are not limited to "your pussy whould love it but don't worry I can make you cum just with my fingers" and "think I could get a full body pic before you go id love to cum to what ill be fucking soon". The conversation continued on May 10, 2019, and the user requested to meet for sexual acts with the 13-year-old female child after she got out of school for the day.

After the user requested to meet with the 13-year-old female child, HSI agents secured a safe location for the meet to occur via Kik. SA McIver relayed the meet location to the user after all agents were in place. The location was a hotel in Pharr, Texas with very little activity, and it had a rear parking lot with one exit and only one other vehicle present. Approximately 30 minutes later, a truck arrived with the suspected user driving. The user told who he believed was a 13-year-old female child that he had arrived, and agents took him into custody. SA McIver observed a cell phone in the driver's hand, so SA McIver sent message "?" to the user. SA McIver immediately observed the two question marks appear on the driver's phone with the name "Kim B", which was consistent with the undercover account being used by SA McIver.

The driver/suspected male subject, later identified as Alejandro Moya (hereinafter MOYA), was transported to the Pharr Police Department where a post-Miranda interview was conducted. In the interview, MOYA admitted to sending sexually explicit images and videos of himself to an individual he thought was a 13-year-old female. MOYA also admitted to driving to the hotel to meet the 13-year-old female to engage in sexual activity.

If MOYA had sex with a 13-year-old child, he could have been charged with aggravated sexual assault in violation of the Texas Penal Code 22.021.